

ATTENTION

DIRECT ANY QUESTIONS ABOUT THE ANNOUNCEMENT TO WALTER S. KOBALKA,  
REPORTER OF DECISIONS, AND DEBORAH J. BARRETT AT (614) 466-4961 OR  
1-800-826-9010.

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

THURSDAY  
July 20, 1995

MERIT DOCKET

95-1350. State ex rel. Ohio Edn. Assn. v. Taft.  
In Mandamus and Prohibition. On motion for issuance of peremptory  
writs or, in the alternative, for expedited proceedings. Sua  
sponte, cause dismissed.

Moyer, C.J., Wright, Resnick and Cook, JJ., concur.

Douglas, J., would deny the writs with opinion.

F.E. Sweeney and Pfeifer, JJ., dissent and would grant an  
alternative writ, expedite the briefing schedule, and set this cause  
for oral argument.

MOTION DOCKET

95-942. In re Young Children.  
Stark County, No. 94CA0198. On review of order certifying a  
conflict. The court determines that a conflict exists; the parties  
are to brief the issue as stated in the court of appeals' Judgment  
Entry filed April 27, 1995:

"This cause comes before us upon appellant's motion to certify  
the record in the within case to the Ohio Supreme Court for the  
reason that our judgment is in conflict with a judgment rendered by  
several other courts of appeals in this state on the same question.

"Appellant cites six cases which it represents are in conflict  
with our decisions:

"Howard v. Catholic Social Services (1994), 70 Ohio St.3d 141  
[637 N.E.2d 890];

"McNeal v. Miami County Children's Services Board (February 12,

1991), Miami App. #90-CA-29, unreported, Second Appellate District, Miami County;

"In re Ward (1992), 75 Ohio App.3d 377 [599 N.E.2d 431], Third Appellate District, Defiance Co.;

"In re Doe Children (1994), 93 Ohio App.3d 134 [637 N.E.2d 977], Sixth Appellate District, Lucas County;

"Endsley v. Endsley (1993), 89 Ohio App.3d 306 [624 N.E.2d 270], Ninth Appellate District, Wayne County;

"and In re Sawyers (December 23, 1991), Butler App. #[CA]91-01-002, unreported, Twelfth District, Butler County.

"We have reviewed each of the above. We find that our judgment is not in conflict with Howard, supra, which is a Supreme Court case. (We note that a motion to certify conflict is not an appropriate response if appellant believes that our judgment is contrary to Supreme Court directive.) In any event, we find that Howard dealt with a somewhat different issue and our judgment is in no way inconsistent with it.

"As to the other cases listed by appellant, we find that our judgment is in direct conflict upon the same question with those cases.

"Accordingly, we sustain the motion to certify the record for conflict with other appellate districts, and we submit the following issue to the Ohio Supreme Court for review and final resolution:

"Are the provisions of R.C. 2151.415(D) jurisdictional in nature, such that a trial court loses jurisdiction to enter custody orders after expiration of the statutory time period?"

Sua sponte, this cause is consolidated with 95-941, infra.

95-1213. In re Bunting Children.

Stark County, No. 94CA0264. On motion to consolidate case with 95-941, infra, and 95-942, supra. Motion granted; sua sponte, discretionary appeal allowed.

Cook, J., would allow and consolidate on Propositions of Law Nos. II and III only.

95-1382. State ex rel. Lawrence v. Marks.

In Prohibition. This cause originated in this court on the filing of a complaint for a writ of prohibition. Upon consideration of relators' motion to expedite hearing of request for writ of prohibition,

IT IS ORDERED by the court that the motion be, and is hereby, denied, effective July 19, 1995.

95-1424. State ex rel. DPCC, Inc. v. Maschari.

In Prohibition. This cause originated in this court on the filing of a complaint for a writ of prohibition. Upon consideration of relators' motion to expedite ruling on alternative writ,

IT IS ORDERED by the court that the motion be, and is hereby, denied, effective July 19, 1995.

Resnick, J., not participating.

#### DISCRETIONARY APPEALS ALLOWED

95-941. In re Young Children.

Stark County, No. 94CA0198.

Wright, F.E. Sweeney and Pfeifer, JJ., dissent.

MISCELLANEOUS DISMISSALS

95-1122. Schialdone v. Schialdone.

Trumbull County, No. 93-T-5007. This cause is pending before the court as a discretionary appeal and as a claimed appeal of right. Upon consideration of appellant's application for dismissal,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted, effective July 19, 1995.

ACCORDINGLY, IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed.